S.B. Civil Misc. Appeal No.2017/2006
(Lalit Kanwar & ors. Vs. Pyarchand & ors.)

Date of Order :: 5th January 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Dilip Kawadia for the appellants

For quantification of compensation to be awarded to the wife, children and parents of 23 years old vehicular accident victim Rajendra Singh, said to be earning Rs.6,000/- per month in photography and videography business, for want of cogent corroborative evidence, the Tribunal has put an estimate on the income of the deceased at Rs.2,400/- per month and providing for future enhancement has taken average income of the deceased at Rs.3,000/- per month and after deducting one-third wherefrom and with appication of multiplier of 17, has assessed pecuniary loss at Rs.4,08,000/-; and allowing another Rs.25,000/- towards non-pecuniary loss and Rs.2,000/- towards funeral expenses and Rs.3,000/- towards transportation has made the award in the sum of Rs.4,38,000/-. The claimants seek enhancement over the compensation so award.

It is submitted that the certificate of income produced by the claimants has wrongly been disbelieved; that the deceased had bright future prospects in his photography business and his income ought to have taken minimum at Rs.6,000/- per month.

Having examined the award impugned, this Court is satisfied that the award of compensation made by the Tribunal remains just, proper and reasonable and cannot be said to be too low or inadequate.

There is no material available on record for which the

income of the deceased could be taken at Rs.6,000/- per month. The certificate Ex.24 issued by Bright Studio has been duly considered by the Tribunal and has rightly been rejected for the person concerned having not been produced in evidence and no corroborative evidence having been produced in support of the assertion of such earlier income of the deceased at Rs.4,000/- per month. The deceased was not in any settled job or employment and in the circumstances of the case, no such element of future prospects is available for consideration in this case, yet the Tribunal has provided for such component and has taken the average income of the deceased at Rs.3,000/- per month.

In the ultimate analysis, the assessment of compensation with application of maximum side multiplier of 17 and after allowing reasonable amount on other scores, remains proper ruling out any scope for upward revision at the instance of the claimants.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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